
EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument is part of a number of Regulations which implement Part 3 of the Building Safety Act 2022. That Act inserts section 91ZA into the Building Act 1984. Section 91ZA, which is to have effect from 1st October 2023, provides for the regulator to be the building control authority in relation to any higher-risk building in England and any proposed higher-risk building. The Act also introduces a new regulatory regime for the building control profession under which approved inspectors will be replaced by registered building control approvers.

Part 2 of these Regulations provide sets out the registration period for registered building inspectors and registered building control approvers, and also specifies those decisions of the regulator, in relation to registration of those inspectors and approvers, which are subject to review under section 25 of the Building Safety Act 2022 and makes provision in relation to appeal following a review.

Part 3 of these Regulations amend the Building (Approved Inspectors etc.) Regulations 2010 ([S.I. 2010/2215](#)) (“the 2010 Regulations”).

In particular, regulation 8 amends regulation 8 of the 2010 Regulations to add the dutyholder and competence provisions of the Building Regulations 2010 into the list of provisions in relation to which an approved inspector must take reasonable steps to be satisfied is complied with (and regulation 12(2) and (3) introduces a new notice which an approved inspector must send to the person carrying out the work where the inspector is proposing to cancel the initial notice for breach of the dutyholder and compliance provisions).

Regulation 9 sets out that where on or after 1st October 2023 an approved inspector submits an initial notice or amendment notice which the local authority is satisfied includes higher-risk building work (in breach of the new restriction in section 47(1) or 51A(1) of the Building Act 1984) the local authority must send a notice explaining that the notice submitted was invalid.

Regulations 10, 14 and 17 make amendments which are consequential on the repeal of section 16 of the Building Act 1984 and other amendments to that Act.

Regulation 11 inserts new regulations 16A to 16E into the 2010 Regulations: regulation 16A and regulation 20(2) provides a rejection notice, regulation 16B provides for a new notice before starting work and a new notice where work is to be regarded as commenced and a power for the local authority to reject such a notice and the right of appeal against a rejection, regulation 16C sets out when work is to be regarded as commenced for the purposes of lapse of initial notices under section 53A of the Building Act 1984, regulation 16D provides that the client must notify the approved inspector where the principal contractor or principal designer in relation to the work changes, and regulation 16E provides that after completion of the work the client must send a notice to the approved inspector which includes compliance statements as to the work.

Regulation 12(4) and regulation 18(2) provide for new forms to cancel an initial notice under section 52A of the Building Act 1984. Regulation 13 makes amendments in relation to the handover of fire safety information. Regulation 15 makes amendments in relation to appeals. Regulation 16 adds new provision as to contraventions. Regulation 18(1) makes amendments to a number of the forms in the 2010 Regulations, in particular to require a confirmation that the work to which the notice or certificate relates is not higher-risk building work. Regulation 19 amends the grounds in Schedule 2 to the 2010 Regulations in relation to gigabit broadband.

Part 4 of these Regulations makes transitional, supplementary and saving provisions.

Status: *This is the original version (as it was originally made).*

A full impact assessment of the effect that this instrument will have on the costs to business is published with an Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.